

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

: SEALED
: INDICTMENT

-v-

:

JOHN CIPOLLA,
FRANK BOEHME,
ANTHONY MASCUZZIO,
JONATHAN MASCUZZIO, and
FRANCIS LACORTE,

:

11 Cr.

:

:

Defendants.

:

- - - - -X

11 CRIM 026

COUNT ONE

The Grand Jury charges:

1. From at least in or about July 2007, up to and including in or about November 2008, in the Southern District of New York and elsewhere, JOHN CIPOLLA, FRANK BOEHME, ANTHONY MASCUZZIO, and JONATHAN MASCUZZIO, the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOHN CIPOLLA, FRANK BOEHME, ANTHONY MASCUZZIO, and JONATHAN MASCUZZIO, the defendants, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance involved in the offense was 1,000 kilograms and more of mixtures and substances

containing a detectable amount of marijuana, in violation of 21 U.S.C. § 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about February 2008, up to and including in or about July 2008, in the Southern District of New York and elsewhere, FRANK BOEHME, ANTHONY MASCUZZIO and FRANCIS LACORTE, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 2314 and 2315 of Title 18, United States Code.

5. It was a part and an object of the conspiracy that FRANK BOEHME, ANTHONY MASCUZZIO and FRANCIS LACORTE, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did transport, transmit, and transfer in interstate and foreign commerce, goods, wares, merchandise, and money of the value of \$5,000 and more, to wit, approximately \$1,000,000 worth of electronic equipment, knowing the same to have been stolen, unlawfully converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

6. It was further a part and an object of the conspiracy that FRANK BOEHME, ANTHONY MASCUZZIO and FRANCIS LACORTE, the defendants, and others known and unknown,

unlawfully, willfully, and knowingly would and did receive, possess, conceal, store, barter, sell, and dispose of goods, wares, merchandise, and money of the value of \$5,000 and more, to wit, approximately \$1,000,000 worth of electronic equipment, which had crossed a State and United States boundary after being stolen, unlawfully converted, and taken, and knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 6, 2008, FRANK BOEHME, ANTHONY MASCUZZIO, the defendants, and other co-conspirators not named as defendants herein, drove through the Southern District of New York, on their way to Newark, Delaware.

b. On or about May 6, 2008, FRANK BOEHME, ANTHONY MASCUZZIO, the defendants, and other co-conspirators not named as defendants herein, broke into an electronics store in Newark, Delaware.

c. In or about 2008, FRANCIS LACORTE, the defendant, purchased stolen goods from other co-conspirators not named as defendants herein.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATIONS
(As to Count One)

8. As a result of committing the narcotics offense alleged in Count One of this Indictment, JOHN CIPOLLA, FRANK BOEHME, ANTHONY MASCUZZIO, and JONATHAN MASCUZZIO, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the narcotics offense charged in Count One, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of that narcotics offense.

Substitute Asset Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of JOHN CIPOLLA, FRANK BOEHME, ANTHONY MASCUZZIO, and JONATHAN MASCUZZIO, the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

FORFEITURE ALLEGATIONS
(As to Count Two)

10. As the result of committing the stolen property offense alleged in Count Two of this Indictment, FRANK BOEHME, ANTHONY MASCUZZIO and FRANCIS LACORTE, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the stolen property offense, including but not limited to a sum of money equal to the amount of proceeds obtained as a result of the offense.

Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of JOHN CIPOLLA, FRANK BOEHME, ANTHONY MASCUZZIO, and JONATHAN MASCUZZIO, the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, or sold to, or deposited with, a third person;

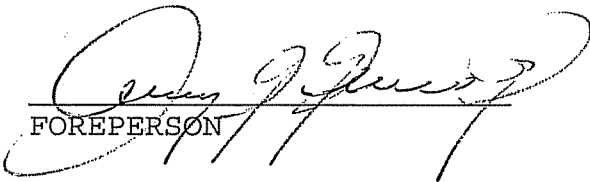
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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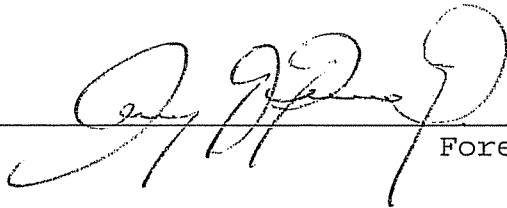
SEALED INDICTMENT

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(21 U.S.C. § 846 and 18 U.S.C. § 371.)

PREET BHARARA
United States Attorney.

A TRUE BILL


Foreperson.
